

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12297-RWZ

SCOTT M. EPSTEIN

v.

C.R. BARD, INC., FUTUREMED INTERVENTIONAL, INC.,
and CROSSBOW VENTURES, INC.

**AFFIDAVIT OF PATRICK D. ARCHIBALD
IN SUPPORT OF PLAINTIFF SCOTT M. EPSTEIN'S PARTIALLY ASSENTED
TO MOTION FOR A STAY OF ALL FURTHER PROCEEDINGS**

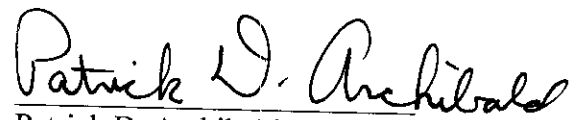
I, Patrick D. Archibald, do hereby swear and say as follows:

1. I am representing Plaintiff in the above-entitled matter in order to obtain a stay to allow Plaintiff's attorney, Gary E. Lambert, to return from Active Duty in Iraq.
2. On August 18, 2004, I appeared before this Court to participate in a scheduling conference for the above-entitled matter.
3. Prior to the start of the conference on August 18, 2004, Attorney Matthew Zisow approached Mr. George MacInnis and myself and introduced himself as counsel for C.R. BARD, Inc. (BARD).
4. During this discussion, Attorney Zisow stated that there was one portion of Plaintiff's Motion for Stay that BARD did not assent to, and that he would mention it to the Court during the scheduling conference.
5. During this discussion, the one, and only, portion of the Plaintiff's Partially Assented to Motion for Stay that Attorney Zisow stated BARD did not assent to


was Plaintiff's request that this Court toll any applicable statutes of limitation that may run during the period.

6. At no time during this discussion did Attorney Zisow indicate verbally, or otherwise, that BARD objected to any other portions of Plaintiff's Motion for Stay, nor did Attorney Zisow state that BARD wished to withdraw or qualify its assent in any manner other than mentioned in paragraph 5, above.

AFFIANT FURTHER SAYETH NOT.


Patrick D. Archibald

Subscribed and sworn to before me, under penalties of perjury in Boston, Massachusetts on this 17th day of September 2004.


Notary Public

DENISE M. CARUSO
Notary Public
My Commission Expires April 17, 2009

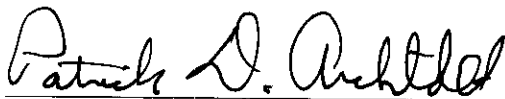
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorneys of record on September 16, 2004 by First Class Mail, Postage Pre-Paid to:

Attorney Michael Albert
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210

Attorney Andrew Good
Good & Cormier
83 Atlantic Avenue
Boston, MA 02210

Attorney Samuel Levy
Wuersch & Gering LLP
11 Hanover Square, 19th Floor
New York, NY 10005

A handwritten signature in black ink, reading "Patrick D. Archibald". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Patrick D. Archibald, Esq.